

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
22-00048-10-CR-W-DGK

CHRISTOPHER J. HICKS-BERRY,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

- PENDING CHARGES:** Count 1: Conspiracy to distribute 5 kilograms or more of cocaine; fentanyl; and less than 50 kilograms of marijuana *in violation of* 21 U.S.C. § 841(a)(1), (b)(1)(C) and (b)(1)(D)
- Count 33: Possession of a Firearm in Furtherance of a Drug Trafficking Offense *in violation of* 18 U.S.C. § 924(c)(1)(A)(i)
- Count 34: Use, Carry, and Discharge a Firearm During a Crime of Violence *in violation of* 18 U.S.C. § 924(c)(1)(A)(iii)
- Count 46: Possession with Intent to Distribute Marijuana *in violation of* 21 U.S.C. § 841(a)(1) and (b)(1)(D)
- Counts 47, 103: Possession of a Firearm in Furtherance of a Drug Trafficking Offense *in violation of* 18 U.S.C. § 924(c)(1)(A)(i)
- Counts 48, 104: Felon in Possession of a Firearm or Ammunition *in violation of* 18 U.S.C. § 922(g)(1) and 924(a)(2)
- Counts 101, 102: Possession with Intent to Distribute Cocaine *in violation of* 21 U.S.C. § 841(a)(1), (b)(1)(C) and (b)(1)(D)
- Forfeiture Allegation One

TRIAL COUNSEL:

Government: Matthew Moeder, Sean Foley, Stephanie Bradshaw; Paralegal Michelle Wells

Case Agent: ATF Special Agent Elizabeth White

Defense: Shawn Lee

OUTSTANDING MOTIONS: Defendant's Motion to Compel (Doc. 749)

ANTICIPATED MOTIONS: Government - Rule 404(b) Notice

Defense – Motion for a *Lafler-Frye* hearing

TRIAL WITNESSES:

Government: 50 without stipulations if four defendants go to trial; premature to address stipulations specific to each defendant

Defense: 3 witnesses, including Defendant who ☐ will
☒ may
☐ will not testify

TRIAL EXHIBITS:

Government: 300 exhibits with four defendants going to trial

Defense: 3 exhibits

DEFENSES:

☒ defense of general denial

☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

☒ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

TRIAL TIME: 10 days for trial with four defendants

Government's case including jury selection: 7-8 days

Defense case: 1-2 days

STIPULATIONS:

☒ not likely

☐ not appropriate

☐ likely as to:

☐ chain of custody

☐ chemist's reports

☐ prior felony conviction

☐ interstate nexus of firearm

☐ other: _____

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit Lists:

Government: On or before June 24, 2024

Defense: On or before June 24, 2024

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: On or before June 24, 2024

Jury instructions must comply with Local Rule 51.1

Motions in Limine: On or before June 24, 2024

TRIAL SETTING: Criminal jury trial docket commencing 7/8/2024

Please note: The Government requests trial start on the second week of the docket as Government Counsel has a conflict on July 8th and 9th. However, Government Counsel would be available beginning July 10th. Defense Counsel has a hearing at 9 a.m. the 18th of July.

OTHER:

- ☐ A _____-speaking interpreter is required.
☐ Other assistive devices:

IT IS SO ORDERED.

/s/ Jill A. Morris

JILL A. MORRIS

United States Magistrate Judge